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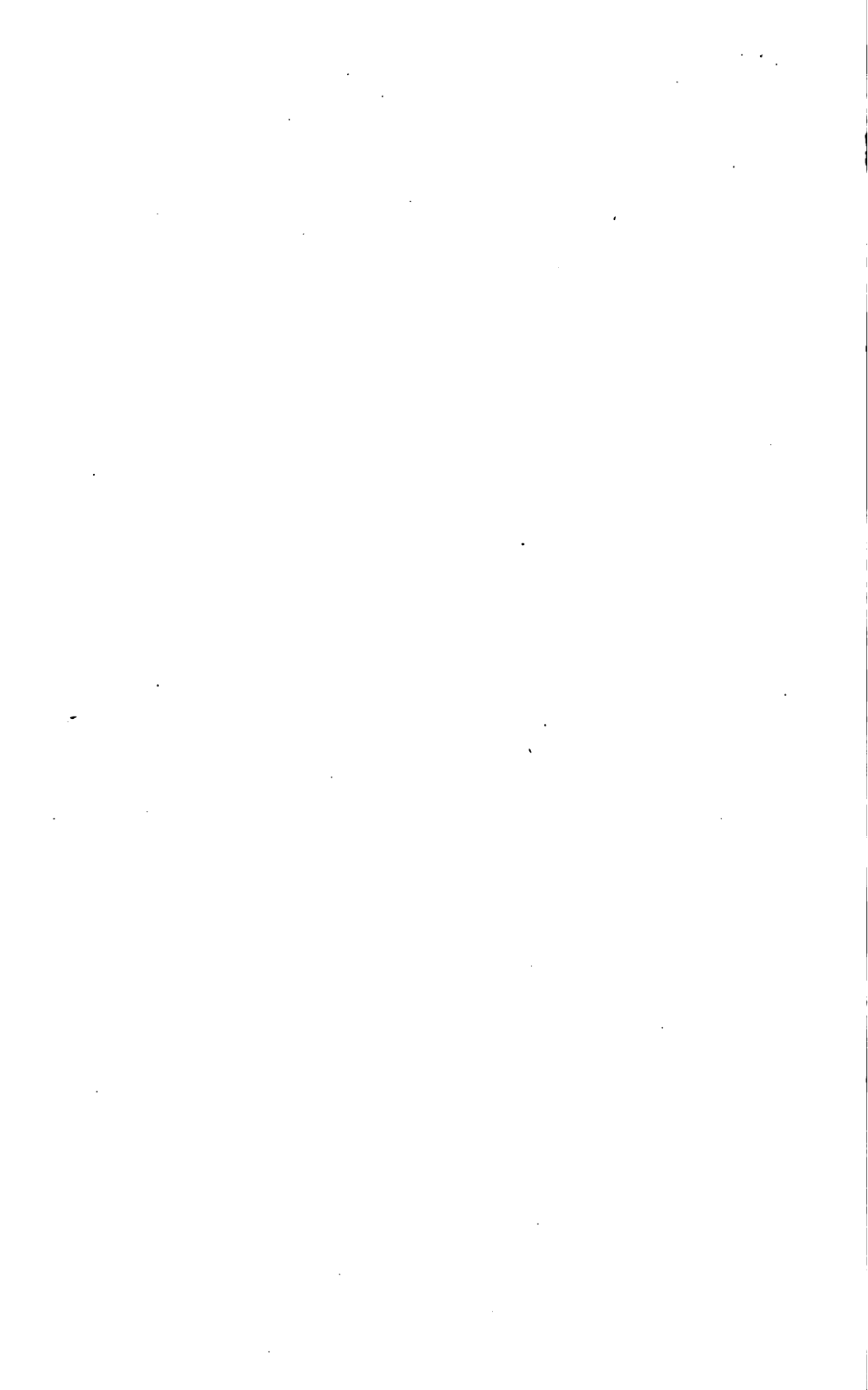
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HEARINGS

BEFORE

U. S. Cong

SUBCOMMITTEE OF HOUSE COMMITTEE ON APPROPRIATIONS,

561
104

CONSISTING OF

MESSRS. LITTAUER, TAWNEY, GRAFF, BRUNDIDGE,
AND LIVINGSTON,

IN CHARGE OF

DEFICIENCY APPROPRIATIONS FOR 1907 AND PRIOR YEARS

ON

URGENT DEFICIENCY BILL.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1906.

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URGENT DEFICIENCY BILL.

Hearings conducted by the subcommittee, Messrs. L. N. Littauer (chairman), J. A. Tawney, J. V. Graff, S. Brundidge, jr., and L. F. Livingston, of the Committee on Appropriations, House of Representatives, in charge of deficiencies for the fiscal year 1906 and prior years, on the days following, namely:

DECEMBER 12, 1906.

DEPARTMENT OF AGRICULTURE.

PURE-FOOD LAW.

STATEMENT OF HON. JAMES WILSON, SECRETARY OF AGRICULTURE, ACCOMPANIED BY DR. W. G. BIGELOW.

Mr. LITTAUER. When the pure-food bill was passed no appropriation was made to carry it into effect, and you now recommend an immediate appropriation of \$250,000 to carry out that law, and of course we would like to understand for what purposes the appropriation is necessary.

Secretary WILSON. At the close of the last session of Congress there were several acts passed that we have to execute. The most prominent was the meat law. Then we had the act with regard to getting rid of the fever tick in the Southern States, the gypsy moths, etc., in the New England States, and the pure-food law, which was not to be enforced until the 1st of January.

Now, I want to be entirely frank, and say that none of us know exactly what course the execution of the pure-food law may take and in what direction it is best to spend money. We have had experience with regard to the meat law. We did not get cooperation from the States or the municipalities at all in the execution of the meat law. It is a striking fact that the States and municipalities, as a general proposition, leave that entirely to us. Some of the larger cities, like New York and Philadelphia, have had some municipal law and inspection.

Mr. LITTAUER. Have they dropped that now?

Secretary WILSON. They have, of course, entirely dropped that, as far as interstate and foreign commerce meats are concerned, and we have that entirely.

This is not entirely germane, but it illustrates the working out of the one matter and will probably illustrate the working out of the others. Now, with regard to the fever-tick law, we made a strenuous effort to get into sympathy with the Southern States, and they are taking hold vigorously, and a considerable part of the expense of that work is

being borne by the Southern States owing to the success we have had. We have cleared out 50 square miles already, and that has drawn the attention of the people there and they will all go to the legislatures and get money to help us execute that law. With regard to the meat law, we do not get any help of that kind. We will not come to you this winter to ask for any more money, although I am not very sure that we may not have to come at the close of next summer.

Mr. LITTAUER. Do the meat inspectors devote all their attention to meat inspection and nothing else? You can not use them for any other purpose?

Secretary WILSON. No, sir; they work hard all day. That matter is running along with very little friction. We have to explain every day some little thing, but 95 per cent of the packers are ready to do what is right as soon as they find out what to do. The other 5 per cent have to be watched. With regard to the pure-food law, I think that 95 per cent of the merchants and manufacturers throughout the country will be ready to do what is right as soon as they know what is wanted of them, and the other 5 per cent will have to be watched.

Mr. LITTAUER. What discretion have you under the law which will make it questionable as to what is wanted of them?

Secretary WILSON. The law is somewhat indefinite, but it gives us the first "say so" with regard to what the label shall be, with regard to what is poisonous and should be excluded, and all that, and if they are not satisfied they can go to the Federal courts. There has been no case where anybody has gone to the Federal courts with regard to the meat law. We have had to use common sense and consideration in the execution of the meat law, and we intend to do the same thing with regard to the pure-food law. Every day the people are coming to us—three or four committees a day—to know how they are going to be affected—the whisky men, the coffee men, the starch men, etc., all along the line. I was talking over the matter with Doctor Wiley, the head of the Bureau, some months ago, but when we got your notice the Doctor was holding a meeting out of this city with some people along those lines, and I got Doctor Bigelow, who is next in control and who is entirely familiar with the workings of the Bureau and is entirely competent to take charge of the Bureau, and went over the matter with him, and I put down the items as far as we could anticipate what the probable expense would be.

The first item was office help. That office receives so many inquiries that they have been compelled to stop everything else and turn their typewriters and clerks into the answering of the correspondence. They have probably a dozen men and women who do not do anything else. We made an estimate of what would likely be required for the rest of this year. After this year is through there will not be so much needed for that purpose, because these inquiries will be over and the correspondence will not be so heavy.

Mr. LITTAUER. How large a clerical force have you in this Bureau?

Doctor BIGELOW. About fifteen.

Secretary WILSON. Doing that work.

Doctor BIGELOW. Nearly all of them are on that work.

Mr. LITTAUER. How large a clerical force is there in your Bureau?

Doctor BIGELOW. Only about 100 people in the Bureau altogether, and about 15 clerks, typewriters, and stenographers, and the time of

more than 12 is occupied on this work. There is very little else done now.

Mr. LITTAUER. Your appropriation comes to you in a lump sum for such clerical services, so that you can put on temporary clerical help and discharge them as you may see fit?

Doctor BIGELOW. Our clerical positions are statutory, but we have a lump sum from which temporary help is employed. We have not the funds for any more temporary help now.

Mr. LITTAUER. Is it already exhausted, or have you divided it into quarters?

Doctor BIGELOW. We have divided it into quarters, and it is all arranged for, and we can not now put on any clerical help, even temporarily, without sacrificing experiments that are under way.

Mr. TAWNEY. Mr. Secretary, you were speaking a moment ago of the failure on the part of the States and municipalities to cooperate with the Government in the matter of the meat inspection, and you also spoke of the fact that the States and municipalities did not attempt to do any inspection of meats except for local consumption. Is that the fact?

Secretary WILSON. That is the fact.

Mr. TAWNEY. Since the enactment of the meat-inspection law is it not also a fact that many municipalities throughout this country have sought to have the Department of Agriculture conduct the inspection of meats for local consumption in the municipalities?

Secretary WILSON. Yes; there are very few cities in the United States where they have thorough inspection with regard to the meats they inspect and consume themselves; they leave it to us.

Mr. TAWNEY. Do you now make any inspection of meats in municipalities where the meat is to be sold and consumed in those municipalities?

Secretary WILSON. Yes, sir; we inspect everything that comes to one of our inspected houses. We know all of it will not enter into interstate commerce, but we can not tell what part, and therefore everything that comes into an inspected house has inspection, ante-mortem and mortem, and then after slaughter, at the block. We inspect every kind of meat product that is put up in an inspected house.

Mr. LITTAUER. That would apply to the larger municipalities; but as to the smaller ones, have you information as to whether the conditions we are trying to eradicate by this meat inspection as concerns interstate and foreign commerce maintains also in the smaller village slaughtering houses?

Secretary WILSON. Oh, they do not maintain any inspection.

Mr. LITTAUER. But does your information suggest whether the same evils are to be found there, or the same character of unclean and insanitary handling of the products?

Secretary WILSON. Yes, sir; generally a little more.

Mr. TAWNEY. Notwithstanding that, neither the municipalities nor the States prior to the Federal meat inspection law had any laws on this subject except in the large cities of the Union?

Secretary WILSON. There may have been something in some of their municipal regulations that required some official inspection.

Mr. TAWNEY. The point I wanted to get at was this, and it has a bearing upon the question of your policy, I should think: With

respect to adulterated food, the conditions in the States were entirely different when we enacted the pure-food law. Is it not a fact that nearly every State has heretofore adopted pure-food legislation?

Secretary WILSON. No. They are beginning to adopt it now. When Congress agitated the matter some of the States adopted it at the same time you did. How many States, Doctor, do you remember, have inspection of their own food products?

Doctor BIGELOW. Last July there were 25 States that had laws they were trying to enforce. There are several other States that have laws they are not attempting to enforce, but they are now planning to pass appropriations to enforce them. Since last July there have been two laws passed in Louisiana and Georgia, and there is a stronger movement in a number of States than ever before because they feel that the Federal law will control the goods that came into the State, and that therefore the State law will amount to a great deal more, and there will be more legislation in the next year than in any three years previously.

Mr. TAWNEY. Then it is a fact that when this pure-food law was passed 23 States of the Union had pure-food laws?

Doctor BIGELOW. Twenty-five States.

Mr. TAWNEY. And 2 additional States have enacted pure-food legislation since the enactment of this law—since the 1st of July?

Doctor BIGELOW. Yes, sir.

Mr. TAWNEY. The failure of these pure-food laws and the accomplishment of the purpose for which they were intended was due, as I understood you, to the failure on the part of the States, to appropriate money to enforce them?

Doctor BIGELOW. Not in those 25 States.

Mr. TAWNEY. In some of them?

Doctor BIGELOW. In some of these States no funds had been appropriated.

Mr. TAWNEY. Have the pure-food laws in those 25 States been in force, and have they been effective in accomplishing the purpose for which they were enacted?

Doctor BIGELOW. Not entirely.

Mr. TAWNEY. Why?

Doctor BIGELOW. For several reasons. In the first place, it is necessary under all those laws to prosecute the dealer who commits the offense, and it is absolutely impossible for the dealer to have any idea of the food he handles—the small dealer—and a fine of \$25 or \$50 is almost prohibitive in the case of many of the dealers. This law covers all those dealers who would not themselves be guaranteed if outside of the State.

Mr. TAWNEY. If the goods come from outside the State?

Doctor BIGELOW. Yes, sir; as they used to be. The result has been that it was found impossible by the authorities to enforce the law because of public opinion that the small dealer could not know what he was doing, and it was a hardship, and the jury often would not bring in a conviction. There were all sorts of difficulties that finally were based on that. Now, there is a strong feeling that if they can go back to the manufacturers, who are primarily responsible, the laws can be enforced. That is the attitude of the commissioners, as far as I can learn, without exception.

Mr. TAWNEY. In the enforcement of this Federal pure-food law, which, as far as the States are concerned, applies only to the products of another State, to what extent do you intend to go into the State, and to what extent would it be necessary for you to go into the State for the purpose of enforcing the law?

Doctor BIGELOW. It is intended to collaborate with the authorities of the States, to work with them, and to take the cases that come from outside States.

Mr. TAWNEY. To deal with the cases that arise from the sale of food products in violation of this law which have been manufactured in other States and shipped into the State?

Doctor BIGELOW. Yes, sir.

Mr. TAWNEY. How do you propose under your policy to cooperate with the States? Have you worked out any line of demarcation between the expenses for this cooperation—what expenses shall be borne by the Federal Government and what expenses shall be borne by the States?

Doctor BIGELOW. Just how that shall be worked out has not been planned, but some employees will probably be paid in common, and paid a per diem when on the work of the Department of Agriculture, or possibly some employees working as inspectors within the same State will be on our roll and some chemists will be on our roll. At any rate it is not proposed that any of the employees of this Department shall be paid for time when working on matters of the State.

Mr. TAWNEY. Have you thought of this: Would it be feasible to require the States or their agents to furnish the Federal authorities information regarding any violations of the Federal law that might come to their attention in the enforcement of the State law?

Doctor BIGELOW. That is what they are anxious to do. They are all anxious to do that. They are anxious to omit the prosecution of a citizen of the State who might be protected by a guaranty from the manufacturer, provided the Federal Government would take up the same case and follow it to the manufacturer.

Mr. TAWNEY. Take, for example, the State of Minnesota. We have a very excellent pure-food law and we have a large number of inspectors who are going over the State all the time. Would it not be entirely possible for those inspectors in their investigations to ascertain, and do they not necessarily ascertain in their investigations, any violations of the Federal law as well as any violations of the State law?

Doctor BIGELOW. Yes, sir.

Mr. TAWNEY. Would it be necessary for your Department to maintain in those States a corps of inspectors for the purpose of investigating the question of whether or not the Federal law was being violated? Could you not reasonably depend upon the inspectors who are operating under the State laws for information as to whether or not this law, the Federal law, is being violated?

Doctor BIGELOW. For information, yes; but in order to enforce the law samples will have to be taken.

Mr. TAWNEY. Could not the inspectors there furnish the Department with the samples?

Doctor BIGELOW. They have to go on the witness stand in case of a trial.

Mr. TAWNEY. Certainly.

Doctor BIGELOW. And they then must be under the pay of the Department of Agriculture?

Mr. TAWNEY. When they go on the witness stand? The Federal Government can summon them and pay the witness fees. That would be the only compensation that they would be entitled to. They could furnish the information and the samples for the Department to make the analysis, but the prosecution of the case would have to be within the jurisdiction of the Federal court, and they could be summoned as witnesses?

Doctor BIGELOW. We would need one inspector at least at the beginning in every State in which an attempt was made to enforce the law.

Mr. LITTAUER. Does not the inspection begin with the manufacturer or the man who produces the food compound?

Secretary WILSON. That is the understanding.

Mr. LITTAUER. That you must attend to yourself without State aid?

Secretary WILSON. Yes, sir; we can get information from the State to help us. They will help us along those lines where we can depend on them.

Mr. LITTAUER. Have you had any experience in utilizing the services of those engaged as State inspectors working in part for the Federal Government as well—such a dual employment as that?

Secretary WILSON. We had experience along that line when we stamped out the foot-and-mouth disease in Massachusetts and other New England States three or four years ago. In going to work entirely inside of a State with a matter pertaining to that State we have no authority whatever, and so we get the State into which we go to appoint our men as State agents and then they operate with State authority, so that wherever we find a willingness on the part of the State authorities we have no difficulty in going to work. The State agent can not do anything in interstate commerce, and we can not do anything in strictly State commerce, but they can appoint our agents and we appoint their agents, and so we give the man dual power.

Mr. TAWNEY. Mr. Secretary, what I wanted to get at was what you contemplate in respect to the enforcement of this law in the State as to using the inspector force, and whether it was your idea to virtually have a sufficient number of so many inspectors as to create in the mind of the State, or give them an excuse for not enforcing their own laws and relying upon the force of inspectors which the Federal Government has appointed for that purpose?

Secretary WILSON. In making an outline estimate we have proposed to put one inspector in each State. We have proposed to put one in each of 30 States. That would not be one in each State, and that makes quite a sum of money. Then we propose to establish laboratories at probably eight cities in the United States in addition to those we now have, so that we can tell what is in a package. We must tell that.

Mr. TAWNEY. Have you laboratories now outside of the laboratory here in the Department?

Secretary WILSON. Yes, sir. We have laboratories in connection with the enforcement of the law regarding importations from foreign countries in New York, Boston, Philadelphia, Chicago, New Orleans, and San Francisco.

Mr. TAWNEY. Only at ports of entry?

Secretary WILSON. Yes, sir.

Mr. TAWNEY. You have no interior laboratory?

Secretary WILSON. Yes, sir; at Chicago.

Mr. TAWNEY. Will it not be necessary for you to establish laboratories in more central parts of the country?

Secretary WILSON. Yes, sir; six to ten more. When we were enforcing the meat law we called on the Bureau of Chemistry to do work for the Bureau of Animal Industry, so that we had the one bureau and also the other along those lines.

Mr. LITTAUER. The new laboratories would be in different cities from those where you have laboratories now?

Secretary WILSON. Yes, sir; entirely.

Mr. TAWNEY. Where would they be located?

Secretary WILSON. One in Kansas City, one in Denver, one in Jacksonville, and probably one in Tennessee. That is the outline we have, and those we have established now will do the same work.

Mr. TAWNEY. Have you one in Chicago now?

Secretary WILSON. Yes, sir.

Mr. TAWNEY. That would be utilized there for this purpose?

Secretary WILSON. Yes, sir. We used the laboratories of the Bureau of Chemistry to help out in our meat business. We made them examine samples for the meat people. It will probably cost \$40,000 to get those laboratories established, and if we put a chemist in 30 States that would cost about \$75,000.

Mr. LITTAUER. You call them chemists or inspectors?

Secretary WILSON. There will be both, inspectors and chemists. Their duties will be different. The chemist will work in the laboratory, and the inspector will be the man who will look over the business of the State entirely, the interstate business.

Mr. TAWNEY. Is it your intention to have a chemist in each State?

Secretary WILSON. In the laboratory.

Mr. LITTAUER. There will be eight in addition to the present ones?

Secretary WILSON. Yes, sir. We might put more than one chemist in some places, but we would have 30 inspectors.

Mr. LITTAUER. At an estimated cost of how much?

Secretary WILSON. We have estimated for \$30,000 for the inspectors, for the new laboratories about \$40,000, and for the chemists about \$75,000. We think we will want about 50 new chemists, and it will cost about \$1,000 for each of them for the coming six months—to the end of the year.

Mr. LITTAUER. You estimate \$75,000 for that purpose?

Secretary WILSON. No; \$50,000. For the cooperation with the State officials in 30 States, etc., we estimate \$75,000. For 30 inspectors we will have to pay out \$20,000. Prosecutions and samples that are necessary in prosecutions we put at \$1,000. Traveling expenses of all those people we put at \$60,000. Legal assistance we put at \$10,000. Express, freight, and telegraph we put at \$2,000. All these items run up to \$276,000. That is way beyond what we have estimated for.

Mr. LITTAUER. How much is for clerical force?

Secretary WILSON. Fifteen thousand dollars.

Mr. LITTAUER. If these inspectors, chemists, and the collaborators are to be practically attached to the various depots, why such an expense of \$60,000 for traveling?

Secretary WILSON. The inspectors must travel.

Mr. TAWNEY. How have the traveling expenses of your inspectors been borne heretofore?

Secretary WILSON. I was going to tell you. We have had experience along the line of putting men in the field and keeping them there, because we have men traveling for several bureaus, especially for the Bureau of Statistics. It costs us about \$4,000 to pay a man's expenses if he travels all the time, and we estimate that it would cost \$60,000 for these 30 inspectors traveling six months.

Mr. TAWNEY. Have the railroads heretofore given any advantage to the Department in respect to transportation?

Secretary WILSON. In a great many directions; yes, sir. In our meat-inspection business, for example, quite often a man would have to go out to inspect a bunch of cattle, as much to accommodate the railroad as to accommodate the Bureau or the shipper, and they were always glad to give him transportation. Then, in our cotton-boll-weevil work the railroads are intensely interested. It is mostly in Texas. If you will notice our report made yesterday you will find that there were three million and eight or nine hundred thousand bales of cotton, the greatest cotton crop they have had, notwithstanding the boll weevil. The railroads say, "Let us know what we can do to help this thing." They carry our men everywhere. I never asked one of them for a pass. If they ask me what I think about it, I say, "The law does not permit me to accept a dollar from anybody except Congress," but if I know they are getting transportation of that kind I do not inquire into it. I have not in the past.

Mr. TAWNEY. The law prohibiting the issuance of transportation to your inspectors will necessarily increase the cost of this service?

Secretary WILSON. Yes, sir. I have estimated for the Bureau of Animal Industry \$80,000 additional on that account. It is going to be a very expensive thing for Congress, I assure you, but we have to obey the law.

Mr. LITTAUER. The Treasury of the United States will have to pay out considerable money to execute the law?

Secretary WILSON. Yes, sir. I want to say frankly that your guess is probably as good as our guess in regard to the pure-food law, and we will have to find out what seems to be the wisest thing to do.

Mr. TAWNEY. You propose appointing one inspector in each State?

Secretary WILSON. Not quite that. We propose to appoint 30 inspectors.

Mr. TAWNEY. In about 30 States?

Secretary WILSON. The 30 will cover all the States.

Mr. TAWNEY. In addition to that you will have the additional chemists and these additional laboratories you propose to establish?

Secretary WILSON. Yes, sir.

Mr. TAWNEY. Is it your purpose to also appoint in your cooperation with the States the State inspectors as Federal inspectors and pay them compensation for their services?

Secretary WILSON. For the days they work. If we appoint a State man and he helps us in any regard we will pay him for the time he works.

Mr. TAWNEY. In what way would a State inspector be of service to you outside of the natural service he would render to the Federal Government in respect to the enforcement of this law in the discharge of his duties as a State inspector?

Secretary WILSON. I can imagine that we would want information and that we would want him to go to work for us and get that information. We would probably have to make up a case to go into the Federal courts, and we would depend upon those people to get the information for us; but I want to say this, that under the meat law we have had no cases in the Federal courts, and I do not look for any under this law. Just how much of this money we will need I can not tell.

Mr. LITTAUER. You have been working under the meat law five months?

Secretary WILSON. Yes, sir.

Mr. LITTAUER. Your estimate for inspection there, of course, was also made without any reliable data. How are you going to come out with the appropriation, and for the coming fiscal year will it require more or less?

Secretary WILSON. We have only been running full tilt since the 1st of November in all the packing houses, and we will make a report to you gentlemen before you get through the next bill telling you in detail what all the expense has been. We can not tell just now. I do not intend to ask for any more money than the \$3,000,000 appropriated last session, because you will meet again next fall, and if we need more we will come and tell you where the trouble is. It looks as though the \$3,000,000 will probably do the work, and yet it may fall short. This is a big country. We have put inspection in over 1,000 houses, and we are putting it in new houses every day. In fact, we have put over 1,200 additional inspectors in these houses to do the work, and, as you have noticed, the thing has gone into execution without much friction or noise.

I was somewhat apprehensive about being able to get that law to work intelligently, economically, and successfully, but it has been accomplished. We may now have put inspection in some places where we will withdraw it. We may have refused it in some places and given exemption where we will put inspection, but we had to take some chances, and the thing seems to be working quietly, and with the experience we have had with that law we will try to execute the pure-food law to the satisfaction of the people without friction.

Mr. LIVINGSTON. Is this \$250,000 to supplement the \$3,000,000 appropriated last year?

Secretary WILSON. No, sir. This appropriation is for the pure-food law and the \$3,000,000 was for meat inspection. We may not need this \$250,000, we may not use within \$50,000 of it and we may use every dollar. We can not use more than we get. I remarked before you came in that we found in regard to the meat law that 95 per cent of the meat dealers of the country were only anxious to find out what the law was and what we wanted and that the other 5 per cent we will have to watch. I am satisfied with regard to the pure-food law that about the same per cent of the American manufacturers are anxious to know what the law is and what the rules are and that we will have no trouble, but the other 5 per cent we will have to watch.

Mr. LIVINGSTON. I forgot whether rectified or adulterated whisky is included in the pure-food law; is it?

Mr. MANN. Yes, sir.

Secretary WILSON. The whisky question is in the law, I assure you, because we are importuned every day.

Mr. TAWNEY. You spoke a moment ago of appointing inspectors and maintaining inspectors at factories where food products are manufactured?

Secretary WILSON. No, sir; you must have misunderstood me. We do not intend to do that. We do that where meats are inspected. A whole million dollars would not do that. We will take the product that the manufacturers put on the market and we will see whether they are obeying the law in regard to it. We will send it to one of the laboratories. That is the way we will work that out.

Mr. TAWNEY. Why is it necessary to promptly appropriate this \$250,000?

Secretary WILSON. Because the law goes into force on the 1st of January.

Mr. TAWNEY. Is it also true that the manufacturers of food products throughout the country are expecting you to proceed?

Secretary WILSON. Yes, sir; they are very insistent.

Mr. MANN. On that point I may say that I myself have received a great many letters, owing to the connection of my name with the bill, as to what they can do and what they can not do under the pure-food law, and I understood from Doctor Wiley the other day that the Department of Agriculture was receiving letters at the rate of from 500 to 1,000 a day, making inquiry as to what can be done in specific cases. So it is quite essential that there shall be an appropriation before the law goes into effect, and it would have been wise, as we can see now, although we did not see it then, to have made some appropriation before in order to prepare for putting the law into operation. The great body of the manufacturers and the wholesale dealers throughout the country apparently express a desire to ascertain what the law requires and to conform with the requirements of the law.

As to the expense, the \$250,000 which is asked for the ensuing six months and the other estimate, which does not come before this committee, of \$750,000 for the ensuing fiscal year, of course no one can tell exactly how much money will be required. The administration of it has not been perfected and could not be perfected in advance. It never was expected that the enforcement of the law would be a very expensive matter, and I see no reason to change our opinion with reference to it. Nearly all of the States have pure-food laws and hope to enforce them, and the theory of our pure-food law was and is that, in the first instance, the Government having its administrative force arranged will endeavor to collect information largely through the State officials as to the selling at retail, and in some cases at wholesale, of course, of the particular articles which violate the law.

Those articles when collected will be examined possibly by the person who collects them, an initial examination, and then sent to the proper laboratory of the Government for examination. If it be found, in the opinion of the chemist in charge of the laboratory, that there is a violation of the law it very likely will be reported

to Washington for further examination here, and in the end, under the law there being a guarantee, as will be found in most cases provided by the law, going back to the manufacturer. If the Government finds that the law is being violated, I suppose in the first instance in ordinary cases the manufacturer will simply be notified that his product does not conform with the law and that he must conform with the law under penalty of prosecution. Of course in those cases the Secretary of Agriculture may direct prosecutions to be commenced, usually being leveled at the manufacturer.

In order to enforce the law, as I understand the proposition at present, it has the administrative force in Washington, which will have to be, at least for the time being, somewhat large in order to attend to the inquiries and the correspondence. Second, we now have established in New York, and I believe in Philadelphia, New Orleans, Boston, and San Francisco, laboratories under the law now in effect in reference to the importation of food products. As I understand, it is proposed to utilize those laboratories—there may be some extension of the force in the laboratories—and also to create a few new laboratories, one at St. Paul, probably. I do not know just where the locations are to be; probably one at Louisville or Cincinnati, or some place like that, where it will be a matter of convenience. There will be no great number of them. They will not require any large number of officials in the first instance. Just how many will be required in the end will depend upon how many samples are sent in for analysis at those points.

Mr. TAWNEY. And will depend upon the extent to which the manufacturers of food products obey the law.

Mr. LITTAUER. The work of the inspectors will determine the need for the analyses to be made?

Mr. MANN. Yes, sir. The manufacturers may constantly appeal in advance of prosecution as to whether their product is complying or noncomplying with the law.

Mr. TAWNEY. Have you considered the extent to which the States may by reason of this opportunity fail to make proper inspection under their own State laws, relying upon the Federal Government, and thereby compelling the Federal Government in effect to have inspectors throughout the entire States for the purpose of ascertaining whether this pure-food law is being obeyed or violated?

Mr. MANN. That would not be possible in most of the States where they desire to have the laws enforced at all. It would be possible in some cases, but in nearly all the States the State laws must be enforced by the State officials, because a very large proportion of the grocery supplies are produced by the wholesale dealers or the manufacturing grocers in the large cities of the State, and of course the General Government has no control over them.

Mr. TAWNEY. Suppose the inspectors of the General Government should ascertain that the local or State manufacturers and dealers were violating the State law, would they not then naturally advise or inform the State officials of the fact? And in that way the State would come to rely upon the Federal inspectors for the enforcement of their local law if the Department was at all willing that that should be done.

Mr. MANN. I conceive that is possible. That is not the theory.

Mr. TAWNEY. Certainly; but unless there was a pretty stiff hand they might come to rely upon the General Government?

Mr. MANN. I apprehend this is more likely to be the case. This is the programme at least: Instead of having the State officials rely upon the Federal inspectors, we expect to have the Federal inspectors rely upon the State officials. I apprehend, as a matter of fact, that the Government chemists in these different laboratories will have a considerable amount of work to do for the State officials, because the law expressly provides for that, and they are likely to ask for it in some place like my city. My State and city have local laboratories. The city has, at least. In addition to the laboratories that I was speaking of I understand it is proposed to have some general inspectors, apparently for the purpose of supervision and possibly for the purpose of special investigation, and then to obtain the cooperation of the State inspectors where they have State inspectors.

There may be places where they have no State inspectors, and it is very likely in those places that the national law will not be very fully enforced. It is not intended to have local enforcement of the law so much as it is to have enforcement at the manufacturing establishments, and it is not necessary to go to Podunk to enforce the law, because if the same article is sold at Podunk as is sold in St. Paul you can reach the manufacturer through the selling at St. Paul.

Mr. TAWNEY. We are much obliged to you.

Doctor BIGELOW. In regard to the inspectors, I fear that it might seem that a State inspector is under salary at two places. When an inspector is employed by us he is paid on the per diem basis, and as an illustration of the work that our inspectors might do there are certain importations that are brought into New York for the purpose of adulterating food. They bring in not only cloves, but exhausted cloves, which are thoroughly exhausted, and clove stems, the clove stems from which the oil has been extracted. That is the last limit. They bring in ground olive stones and products intended for similar purposes, not in small quantities, but in large shipments. If we had an inspector there we could keep him busy looking up spices to see what they do.

Mr. LITTAUER. Then you will go to the original source where the materials are gathered together?

Doctor BIGELOW. We begin at both ends. We could keep one inspector in New York City busy on that alone.

Secretary WILSON. But the object will be not to press the retail dealer, who can not help himself, but to go to the fountain head.

MILITARY ESTABLISHMENT.

MILEAGE FOR OFFICERS AND CONTRACT SURGEONS.

STATEMENT OF BRIG. GEN. C. C. SNIFFEN, PAYMASTER-GENERAL U. S. ARMY, ACCOMPANIED BY MR. WILLIAM MANLEY, CHIEF CLERK.

Mr. LITTAUER. Please take up the subject for which you ask an urgent deficiency of \$150,000.

General SNIFFEN. Yes, sir. In addition to the appropriation of \$450,000 for the current year?

Mr. LITTAUER. Yes, sir.

General SNIFFEN. You have my letter to the Secretary of War, dated November 23, 1906, together with his indorsement?

Mr. LITTAUER. Yes, sir. Please give us the reasons for this deficiency.

General SNIFFEN. Overdrafts on the mileage fund have been caused by extraordinary expenses imposed by the military movement to Cuba, which began in October, and by the necessary travel to and from the seven camps of instruction established in the past summer. That is where the regulars and the militia get together. That cost \$23,000, and was unanticipated.

Mr. LITTAUER. What month was that in?

Mr. MANLEY. It commenced in July and ended about the 1st of October.

Mr. TAWNEY. The Government pays the transportation of the militia?

General SNIFFEN. It is for the mileage of the officers traveling to and from those camps.

Mr. LITTAUER. Did you not anticipate it?

General SNIFFEN. No, sir.

Mr. LITTAUER. Why?

General SNIFFEN. We do not have them every year. They were suddenly established this summer before the estimate was put in for the appropriation for mileage and after the appropriation was passed for it. That was unanticipated.

Under the act of February 27, 1906, amending section 3679 of the Revised Statutes, the gross sum of mileage, \$450,000, was, with the approval of the Secretary of War, apportioned quarterly as follows: One hundred and fifty thousand dollars to the first quarter, \$125,000 to the second quarter, \$100,000 to the third quarter, and \$75,000 to the fourth quarter.

A larger amount was apportioned to the first quarter because, as a rule, there is more travel in the first quarter than in any other quarter. I do not know the reason for that.

During the first quarter expenditures did not exceed the allotment, but the amount allotted to the second quarter was disappearing so rapidly that in order to continue necessary payments and avoid threatened violation of the law I felt impelled to ask the Secretary to exercise the discretion confided to him under the law and authorize me to make payments without regard to quarterly limitations.

Mr. LITTAUER. The second quarter began with the 1st of October?

General SNIFFEN. Yes, sir.

Mr. LIVINGSTON. Did you go over the allotment in the first quarter?

General SNIFFEN. The expenditures did not exceed the allotment.

Mr. LIVINGSTON. Now take the second quarter.

Mr. TAWNEY. The second quarter did exceed the allotment?

General SNIFFEN. Yes, sir.

Mr. TAWNEY. Why?

General SNIFFEN. Because the intervention in Cuba came.

Mr. TAWNEY. It was in consequence of the intervention in Cuba?

General SNIFFEN. Yes, sir.

Mr. LITTAUER. How rapidly did the mileage disappear in October and November?

Mr. MANLEY. Thirteen thousand dollars by the end of October and \$10,000 by the end of November.

General SNIFFEN. As to the travel back and forth from Cuba and the travel in Cuba no one can tell what it will cost. If we do not expend the money, it will go back into the Treasury.

Mr. LIVINGSTON. How does it happen that Cuba does not pay that expense?

General SNIFFEN. I suppose we could send the bill to Governor Magoon.

Mr. LITTAUER. You have an appropriation for the mileage of officers?

General SNIFFEN. Yes, sir; but I can not exceed the appropriation. We have to stop when the money is exhausted. We can not go ahead.

Mr. TAWNEY. You are not paying officers' mileage now for travel in Cuba?

General SNIFFEN. Yes, sir. There will be travel in Cuba all the time now. That is, travel without troops in Cuba.

Mr. MANLEY. We spend from \$3,000 to \$5,000 a month as a charge against mileage for travel in Cuba.

Mr. LIVINGSTON. Now?

Mr. MANLEY. Yes, sir.

Mr. LITTAUER. Your experience warrants you in the statement that it takes from \$13,000 to \$15,000 a month for the transportation of officers from the United States to Cuba?

General SNIFFEN. And in Cuba for the rest of the fiscal year from \$3,000 to \$5,000.

Mr. LIVINGSTON. And the expense for the militia camps was \$23,000?

General SNIFFEN. Yes, sir. The vouchers were not all in on December 4. I suppose they are all in now.

Mr. LIVINGSTON. That makes \$46,000?

General SNIFFEN. Yes, sir.

Mr. LIVINGSTON. Why do you need this appropriation for traveling expenses to Cuba and back? What business have we that it is necessary to run back and forth to Cuba? What business have they there? Mr. Magoon is the governor and he has his staff, and why do you want to have the officers run back and forth?

General SNIFFEN. I am no judge of the necessities of the travel; I simply pay the bills.

Mr. LITTAUER. And you can not give any orders?

General SNIFFEN. No, sir; I can not control the military necessities.

In the fiscal year of 1906 we got \$400,000 mileage in the Army bill—but that was supplemented by two appropriations of \$50,000 each in the urgent and general deficiency bills—so we had \$500,000 mileage for the fiscal year of 1906.

We now ask \$100,000 more than we received last year to cover extraordinary and unanticipated expenditures consequent upon Cuban pacification and travel to and from the seven camps of instruction held this summer for joint maneuvers of regulars and militia.

The cost of these seven camps on vouchers presented to December 4, 1906, was \$23,000 in round numbers, and a careful estimate for Cuban intervention should be about \$50,000 to the end of the fiscal year.

DEPARTMENT OF COMMERCE AND LABOR.

IMMIGRATION SERVICE.

STATEMENT OF DR. G. W. STONER, ACCOMPANIED BY MR. F. H. LARNED, CHIEF CLERK.

Mr. LITTAUER. We have before us an item for the purchase of two portable hospital pavilions for use at Ellis Island, \$26,000, and we would like to have you advise us of the necessity that requires this purchase.

Mr. LIVINGSTON. Before you proceed I would like to know what a portable hospital is; is it on the water?

Doctor STONER. No, sir.

Mr. LIVINGSTON. On our land?

Doctor STONER. Yes, sir.

Mr. LIVINGSTON. Will it be built to stay?

Doctor STONER. Yes, sir.

Mr. LIVINGSTON. Why do you call it portable?

Doctor STONER. Because the company that manufactures these buildings calls them portable, inasmuch as they are built together in sections and can be taken down and moved. They have furnished many of them to the War Department down in Cuba. The school-houses all over Cuba are of the same character.

Mr. LITTAUER. What is the size of the building?

Doctor STONER. My original suggestion was that it be 30 by 181.

Mr. LITTAUER. Is a portable building of this character cheaper than the erection of an ordinary wooden structure of the same character?

Doctor STONER. I believe it is.

Mr. LITTAUER. You buy it in sections instead of having a carpenter put it up?

Doctor STONER. They put it up themselves.

Mr. TAWNEY. Is it patented?

Doctor STONER. I do not know.

Mr. LITTAUER. Is it a one-story building?

Doctor STONER. Yes, sir.

Mr. LITTAUER. Practically in the nature of a shed, almost?

Doctor STONER. As to the plan, they are built with hip roofs and the entire outside surface is metal. Ordinarily they make the floors of wood, but the floor is that far [indicating] from the ground. In New York they are building a new hospital with three of them in the grounds adjacent to the hospital building, and over in Brooklyn they constructed a large church on the same plan. Instead of having the floor of wood, on account of the great crowd and different classes of people that we have to handle I suggested that the floor should be of cement, and they have made a proposition to provide a cement floor.

Mr. LITTAUER. You want a cement floor in a temporary building?

Doctor STONER. That is simply the floor part.

Mr. LITTAUER. How much additional does that increase the expense of this portable building?

Doctor STONER. Possibly \$1,000.

Mr. LITTAUER. When you say "possibly \$1,000," is that from any actual information?

Doctor STONER. No, sir.

Mr. TAWNEY. How did you arrive at this amount being necessary for the erection of these buildings?

Doctor STONER. This is a proposition they have made, based upon certain specifications which they made as to the character of building they would furnish. That is my understanding.

Mr. LIVINGSTON. What would be the difference between purchasing this building and having the lumber put there and have a mechanic put it up?

Doctor STONER. I can not answer as to that. The first idea was to provide a structure as soon as possible. If we can not provide these buildings, perhaps the next thing would be to anchor a barge alongside the dock, which could be divided up into compartments.

Mr. LITTAUER. You have the land?

Doctor STONER. Yes, sir.

Mr. LITTAUER. If you had not the land you might resort to the barge, but having the land you could put up a structure on the land?

Doctor STONER. We have 5,000 or 6,000 aliens a day from abroad and a very large percentage must be turned aside from the line of inspectors for further observation to determine whether or not they are diseased, whether or not they are in a condition that they should go to the hospital, whether or not they should be deported, and there are also cases that are certified for contagious diseases and for disabilities, physical or otherwise, and to keep these people in the hospital compromises the whole space if the hospital is full of so-called chronic cases that can not be cared for elsewhere.

Mr. TAWNEY. Do they not have some method in other hospitals of separating those affected with contagious diseases and those not so affected?

Doctor STONER. Yes, sir.

Mr. LITTAUER. You separate contagious cases from the ordinary hospital cases?

Doctor STONER. Certainly.

Mr. TAWNEY. Then the contamination you speak of is not as dangerous as it would be?

Mr. LARNED. They have not the present facilities, that is one of the reasons.

Mr. LITTAUER. They are huddled so close together that there is a possibility of contagion arising?

Doctor STONER. Yes, sir. A year or two ago we began detaining larger numbers on account of their mental condition, suspects, and that necessitates detaining them for several days. As a result of that additional examination we have certified more than four times as many of the same people as two years ago, and taking the two other rooms has compromised the space, and some of them have been compelled to sleep on the floor, bringing criticism against the management, when the conditions are wanting.

Mr. LITTAUER. It is not an increase in the number of people detained and set aside, but the condition has been so for some time past?

Doctor STONER. Yes, sir.

Mr. LITTAUER. They have been crowded together where they ought to have had more space, so that you could separate them and give them proper room to live in while detained?

Doctor STONER. Yes, sir; and, moreover, we detain a larger number.

Mr. LITTAUER. The detention does not depend upon what room you have there. You detain them whenever there is any necessity?

Doctor STONER. Yes, sir; but if we turn aside one crowd that should be kept under observation for two or three days and then the next day there is another crowd which should be detained we either have to place them in a room which is inefficient or else dispose of those and not let them in the room at all. Then we meet these criticisms.

Mr. LITTAUER. Why do you call them "hospital pavilions?"

Doctor STONER. That is what the company calls them.

Mr. LITTAUER. It is just a sort of trade name?

Doctor STONER. Yes, sir.

Mr. LITTAUER. What you want are two places in which you can keep these people?

Doctor STONER. Yes, sir.

Mr. LITTAUER. Is it hospital business?

Doctor STONER. It is hospital business in this sense: It is calculated to detain a certain class also that are certified for disease, any disease that requires bed treatment, and they have to be detained, as a matter of fact, and the other class of cases that have to be detained for observation—mental cases, for example.

Mr. TAWNEY. Is this estimate included in the Book of Annual Estimates?

Doctor STONER. No, sir. I have the letter which Secretary Metcalf handed me.

Mr. TAWNEY. If this necessity is so urgent, why was it not included in the Book of Annual Estimates?

Doctor STONER. I hardly know how to answer that question. Perhaps, when the requisition was previously made it was supposed that these buildings could be obtained without specific act of Congress on account of repairs or preservation or what not, or, being portable, they were considered as furniture.

Mr. LITTAUER. The conditions at Ellis Island have not changed in the last year?

Doctor STONER. Yes, sir.

Mr. LITTAUER. In what way?

Doctor STONER. The number of that class of cases has greatly increased.

Mr. LITTAUER. Have you statistics showing that?

Doctor STONER. Yes, sir. Since we have had the small rooms we have certified for insanity and mental diseases more than four times as many as we did before, and the reports from England and other foreign places show that this condition is continually on the increase among this class of people who have to undergo so many hardships of different kinds.

Mr. LITTAUER. As to the matter of cost, the only estimate that you have is the estimate of some company that makes what is called a portable hospital pavilion and that you have asked for the cost of such construction with a cement floor?

R.H.C.

Doctor STONER. Yes, sir.

Mr. LITTAUER. And you have their estimate at \$26,000?

Doctor STONER. For the two buildings; yes, sir.

Mr. LITTAUER. You have made no other investigation as to what an ordinary built structure, either with or without a cement floor, would cost?

Doctor STONER. I can only make a comparison with what is going on. At present there is a small addition——

Mr. LITTAUER. You have made no investigation; you have not advertised, for instance, for the construction of a building 30 by 180 feet of such and such timber, and put up in the ordinary way, but you have only gone to the company that manufactures portable hospital pavilions and got their estimate?

Mr. LARNED. That is correct.

Doctor STONER. There is a small extension being built to the hospital building that is not one-sixth as large as these two buildings and that is to cost over \$30,000.

Mr. LITTAUER. But that is to cover trimming conditions, cellar, and all that?

Doctor STONER. Yes, sir.

Mr. LITTAUER. It does seem to me that a simple wooden space covered over with a floor 30 by 181 feet at \$13,000 is a very high price.

Doctor STONER. The building is to be covered with metal on the top and on the sides.

Mr. LITTAUER. There is no wood at all?

Doctor STONER. Yes, sir; there is a wooden frame, and it is walled with wood.

Mr. LITTAUER. It is simply a temporary structure, and you expect to take it down provided you remove from Ellis Island. You expect to remain there for five years?

Doctor STONER. Yes, sir; I should think five years and a good deal longer.

Mr. LIVINGSTON. Then they will not be temporary, but permanent?

Doctor STONER. Yes, sir; they will be there until actually worn out. They can be taken up and removed to another portion of the ground at any time.

Mr. LIVINGSTON. Instead of a cement floor, suppose that should be a wooden floor oiled with varnish. Varnish is just as good a protection as cement. You can varnish it every two or three months, or even every two or three weeks. Would not that be much cheaper?

Doctor STONER. It would not be a floor as well adapted.

Mr. LITTAUER. Portable hospital pavilion. All of that gives the impression of a temporary structure for emergency use, and then you would come here for an emergency appropriation for it.

Mr. TAWNEY. What is the necessity of having it covered on the outside with metal or iron?

Doctor STONER. That is an additional protection against the elements, and also an additional protection against fire.

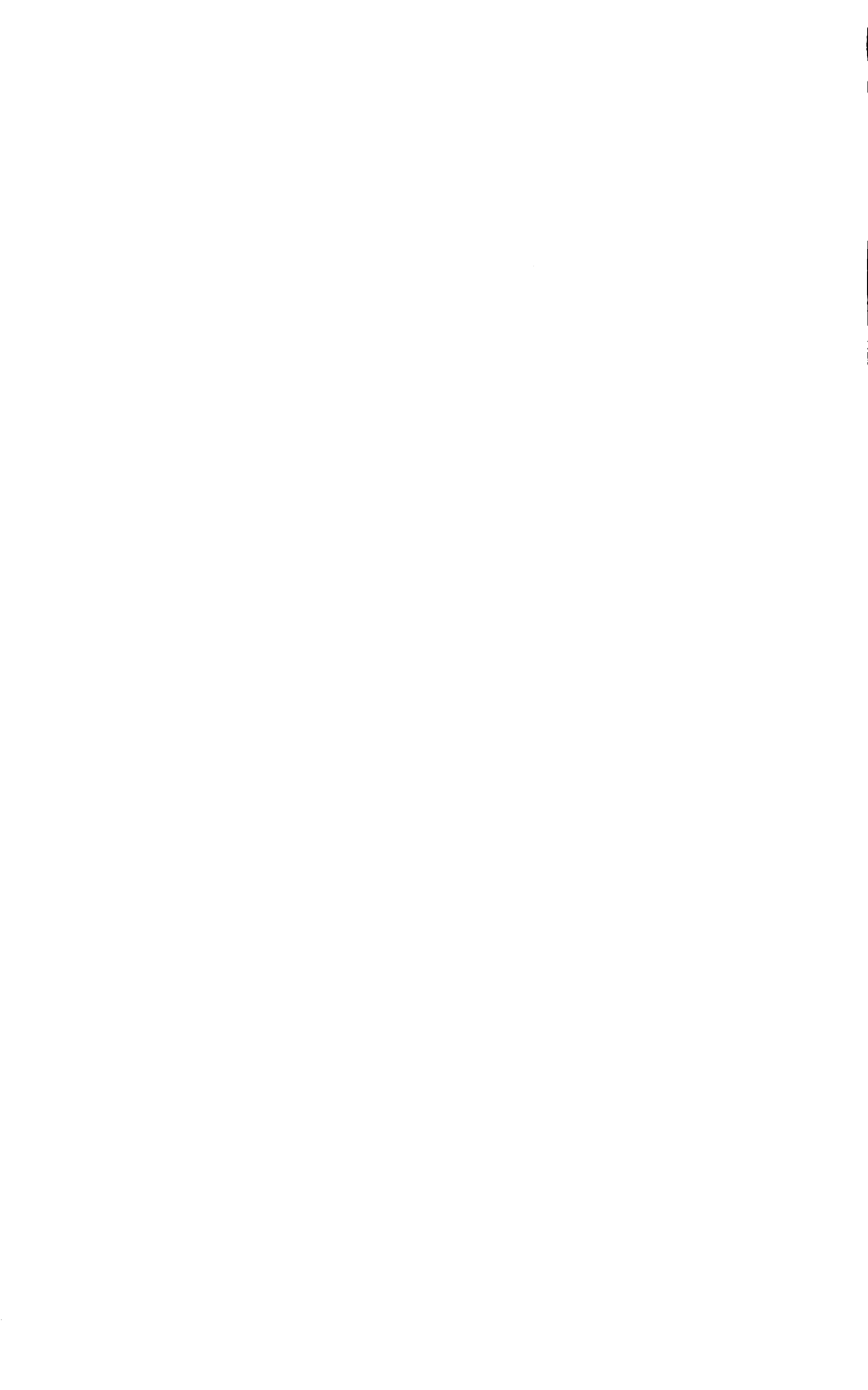
Mr. TAWNEY. There is no such ordinance or law that requires it—a State law or a city ordinance?

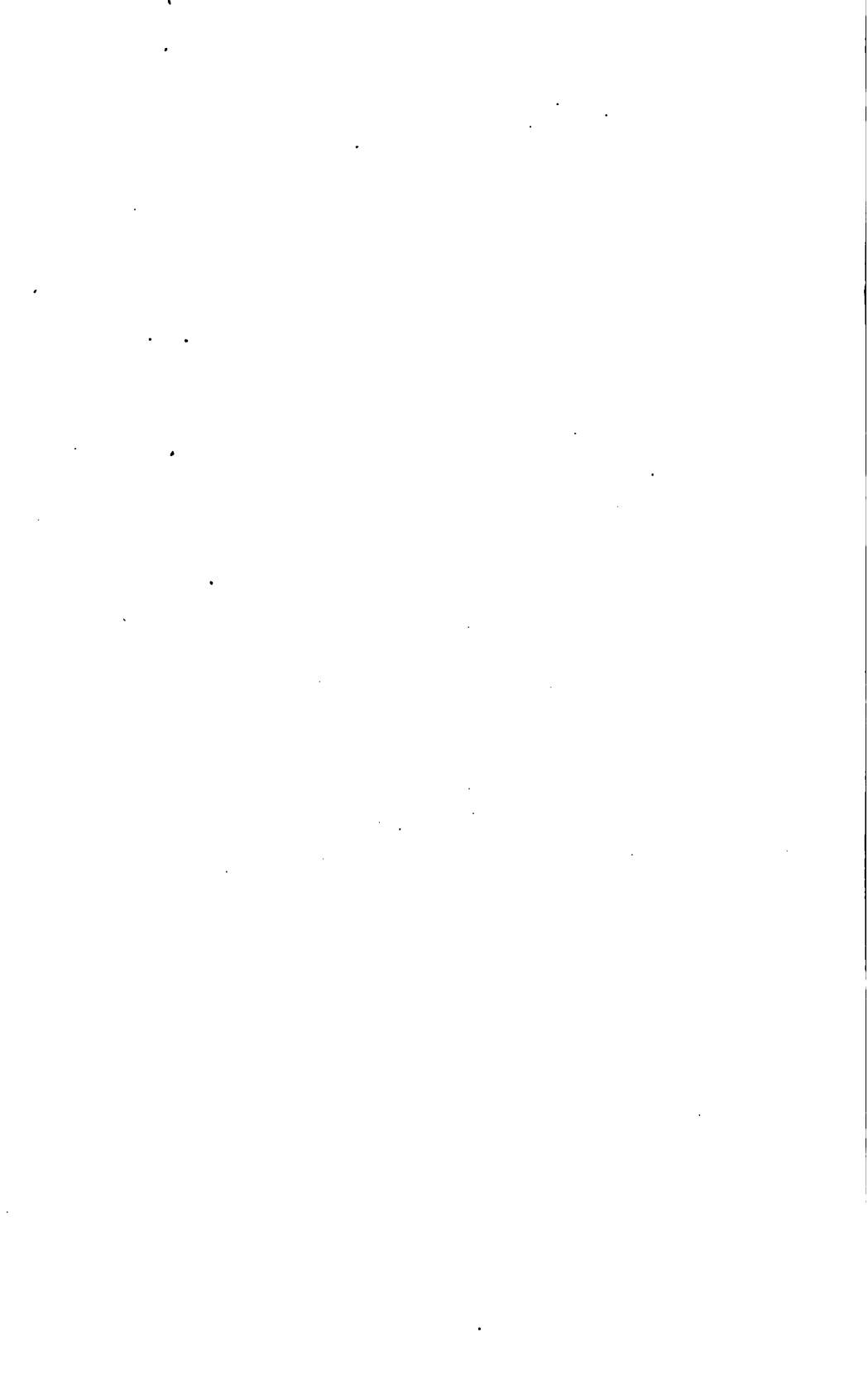
Doctor STONER. There is in the city, but it is probable it is not applied to Ellis Island; but we had an awful fire there at Ellis Island some years ago, which makes everybody take precautions.

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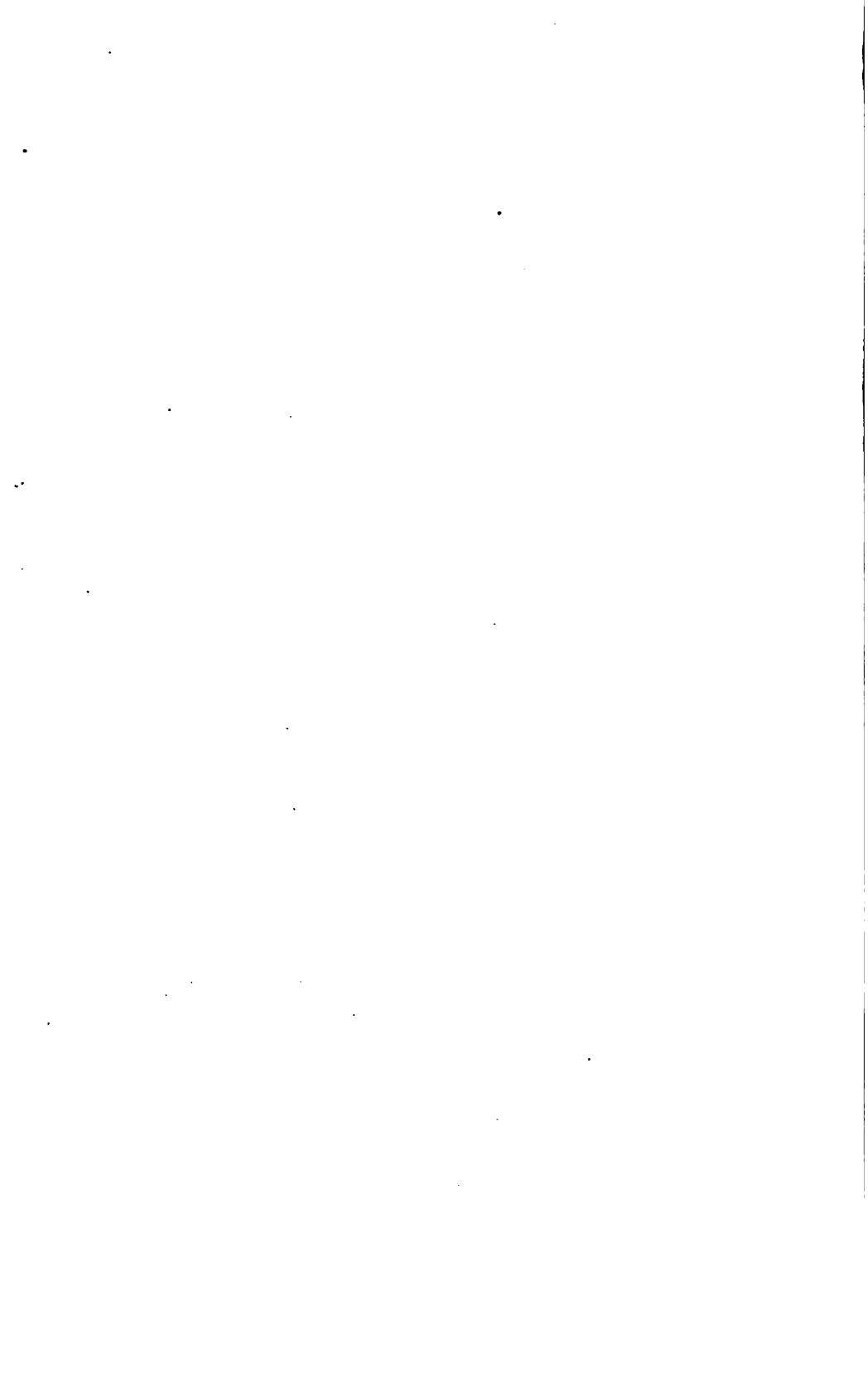




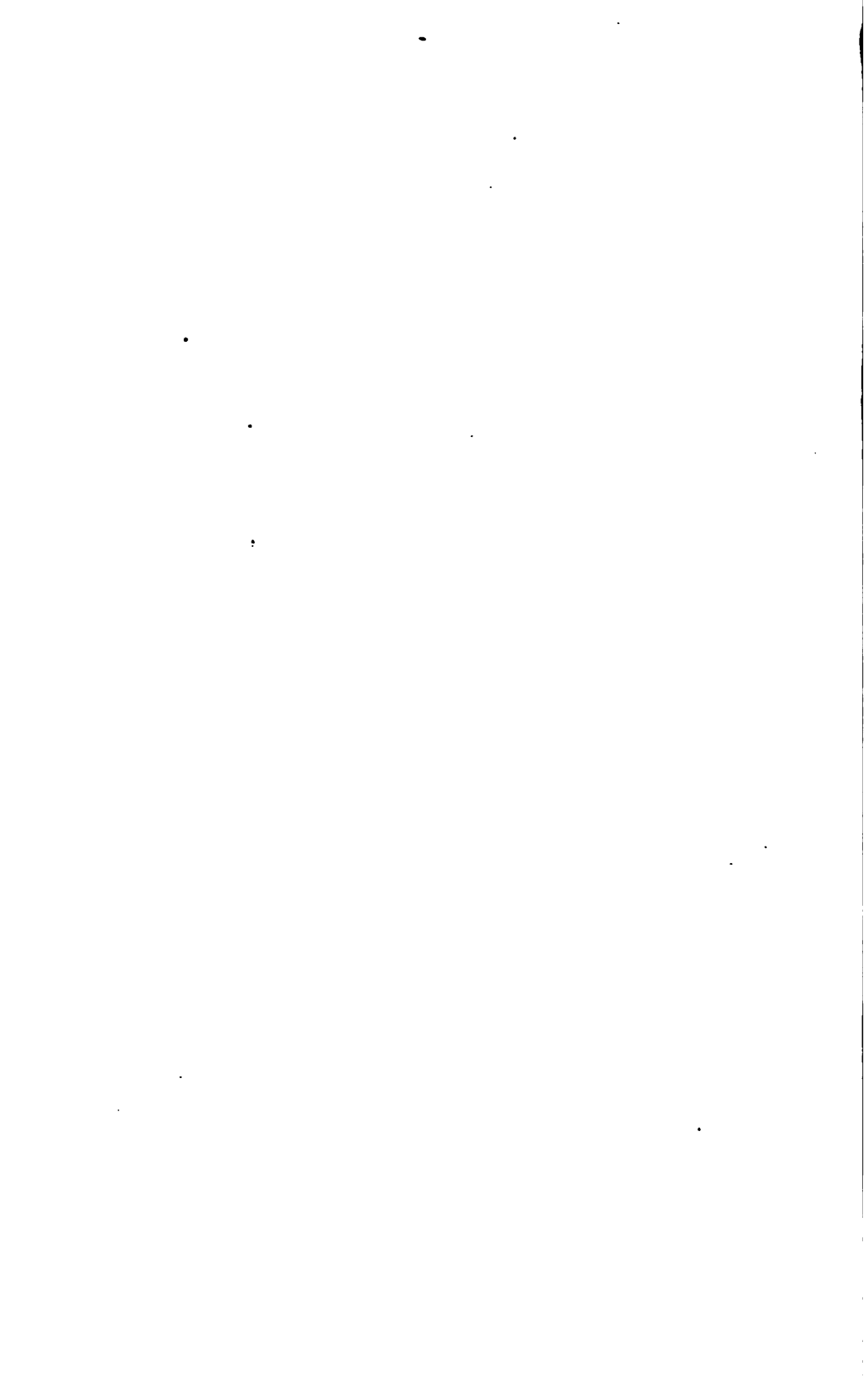


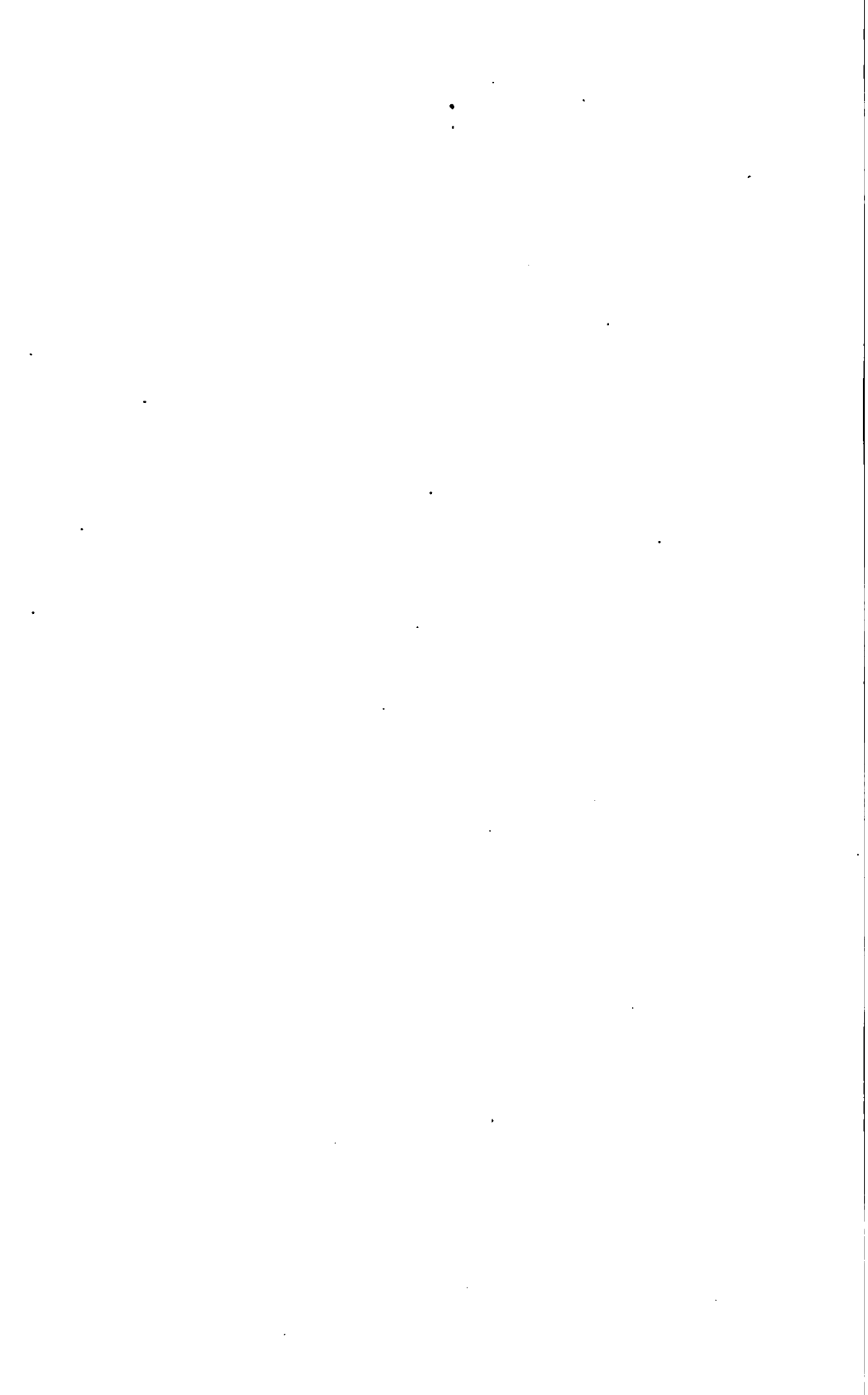


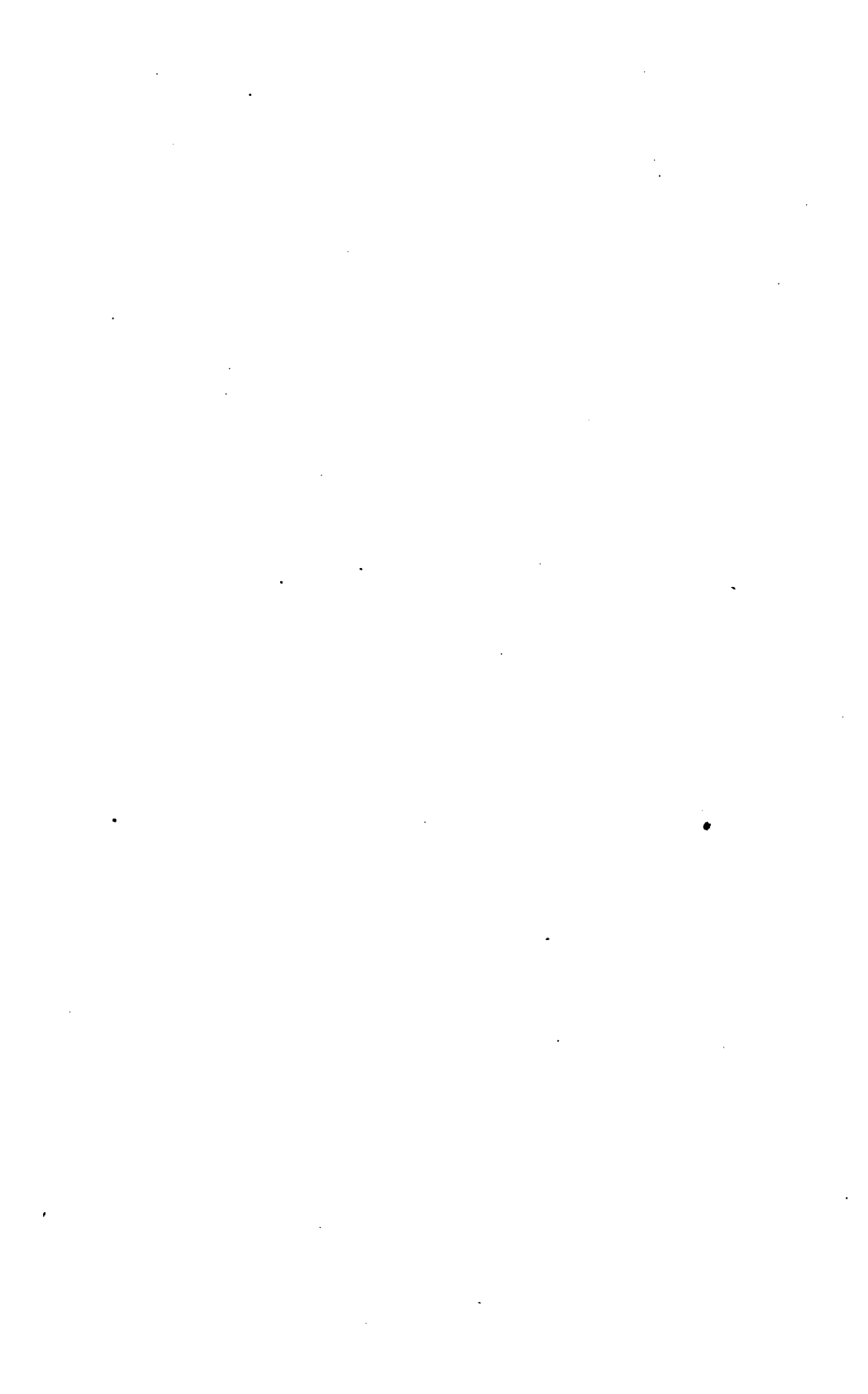




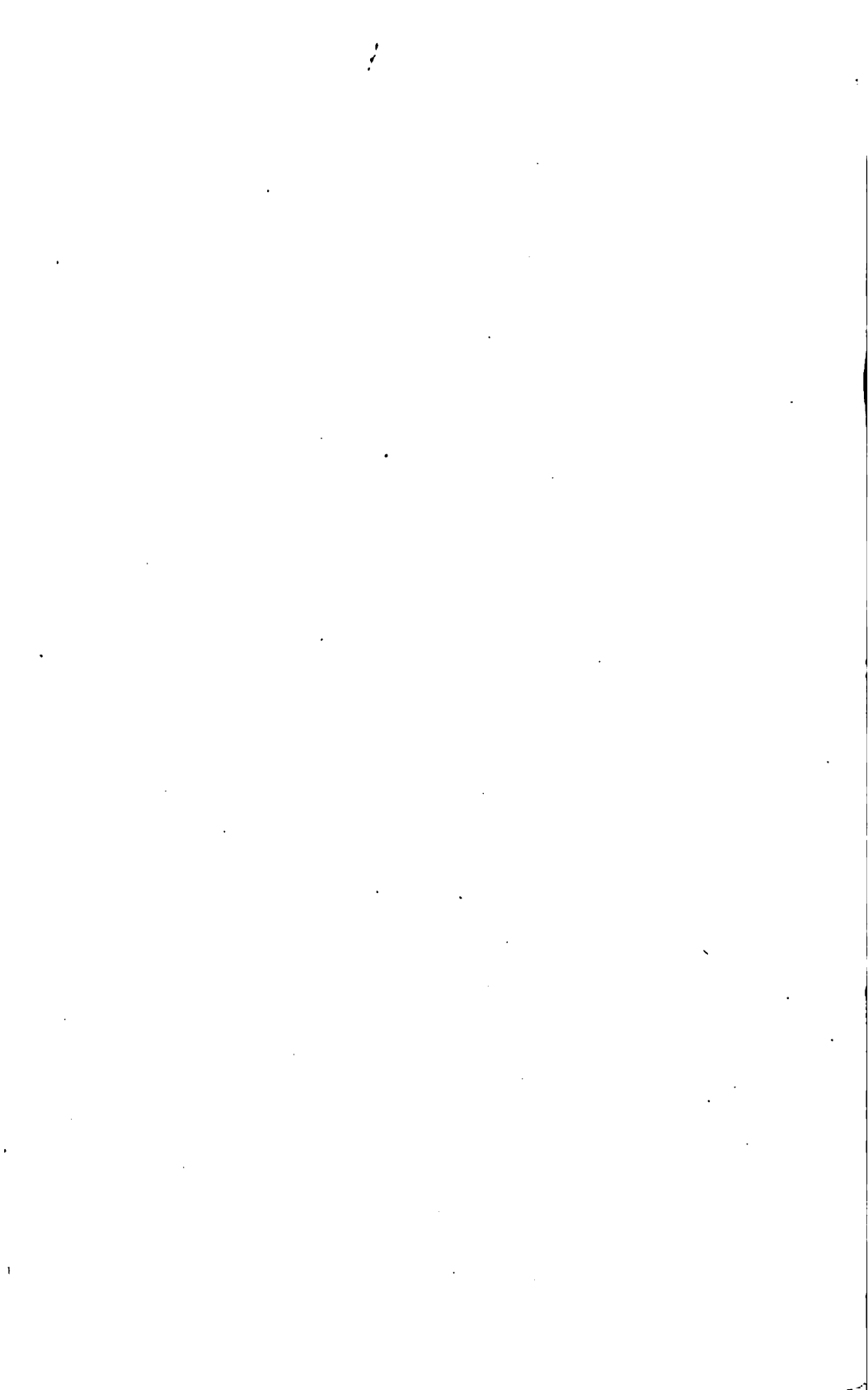


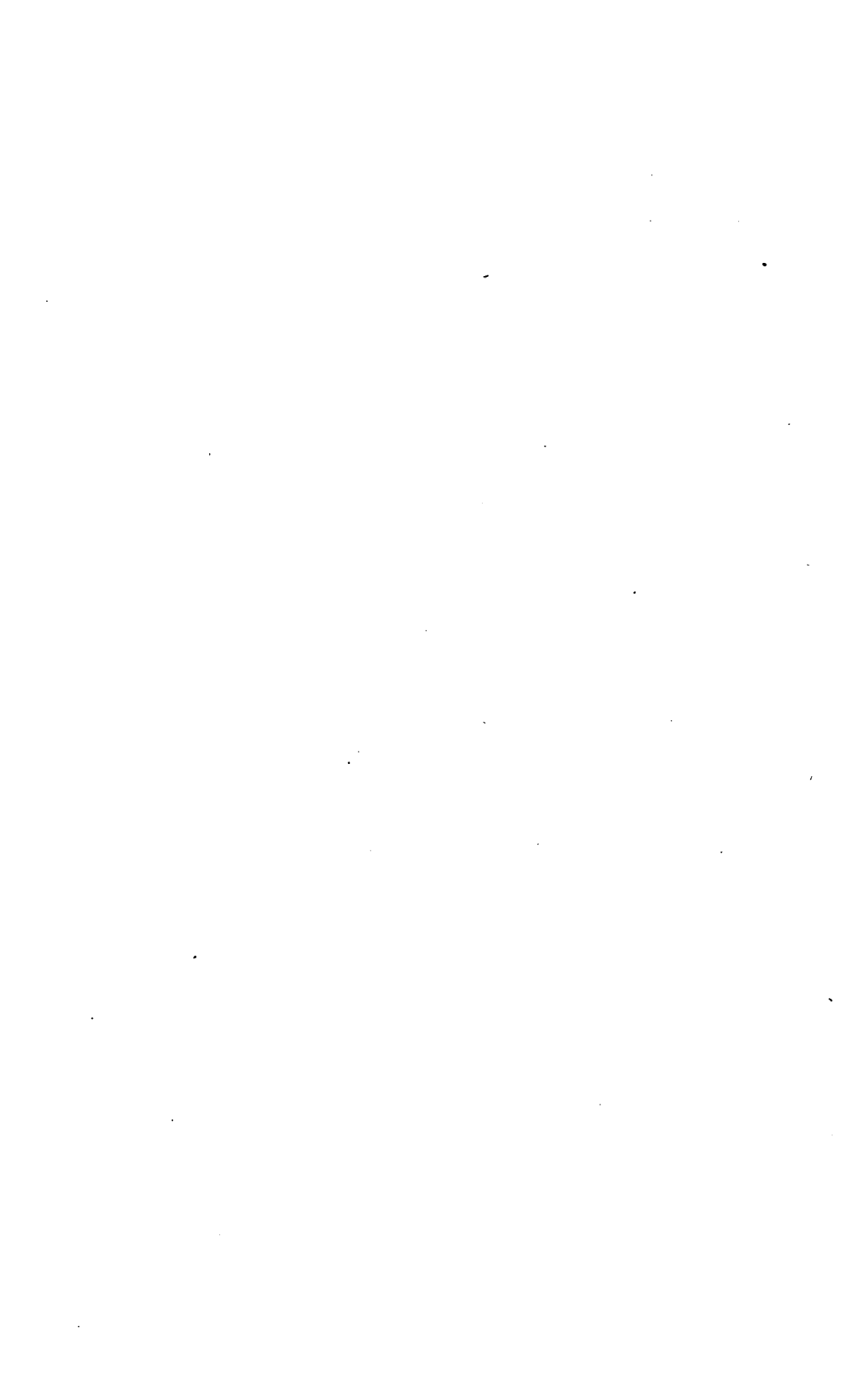


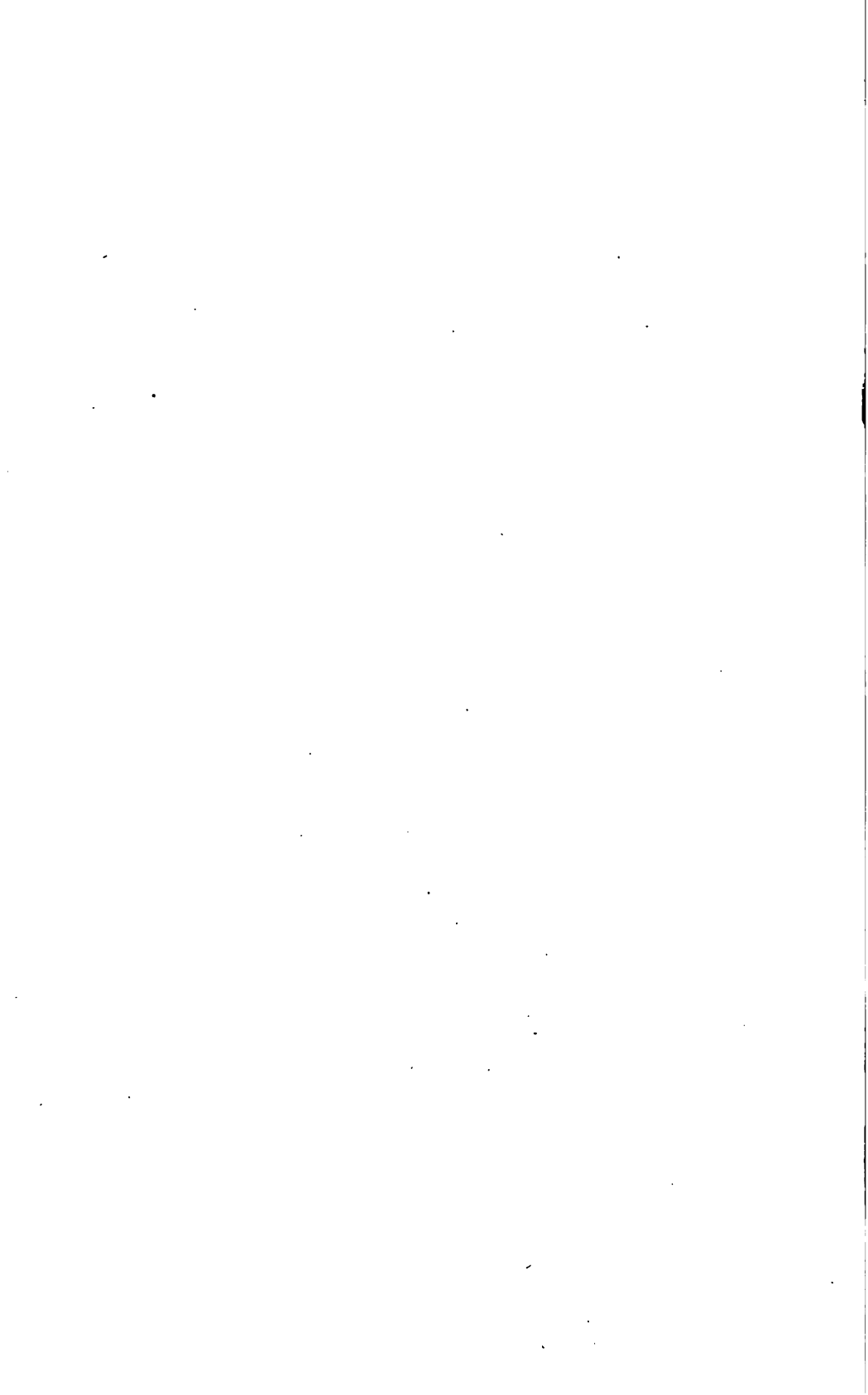


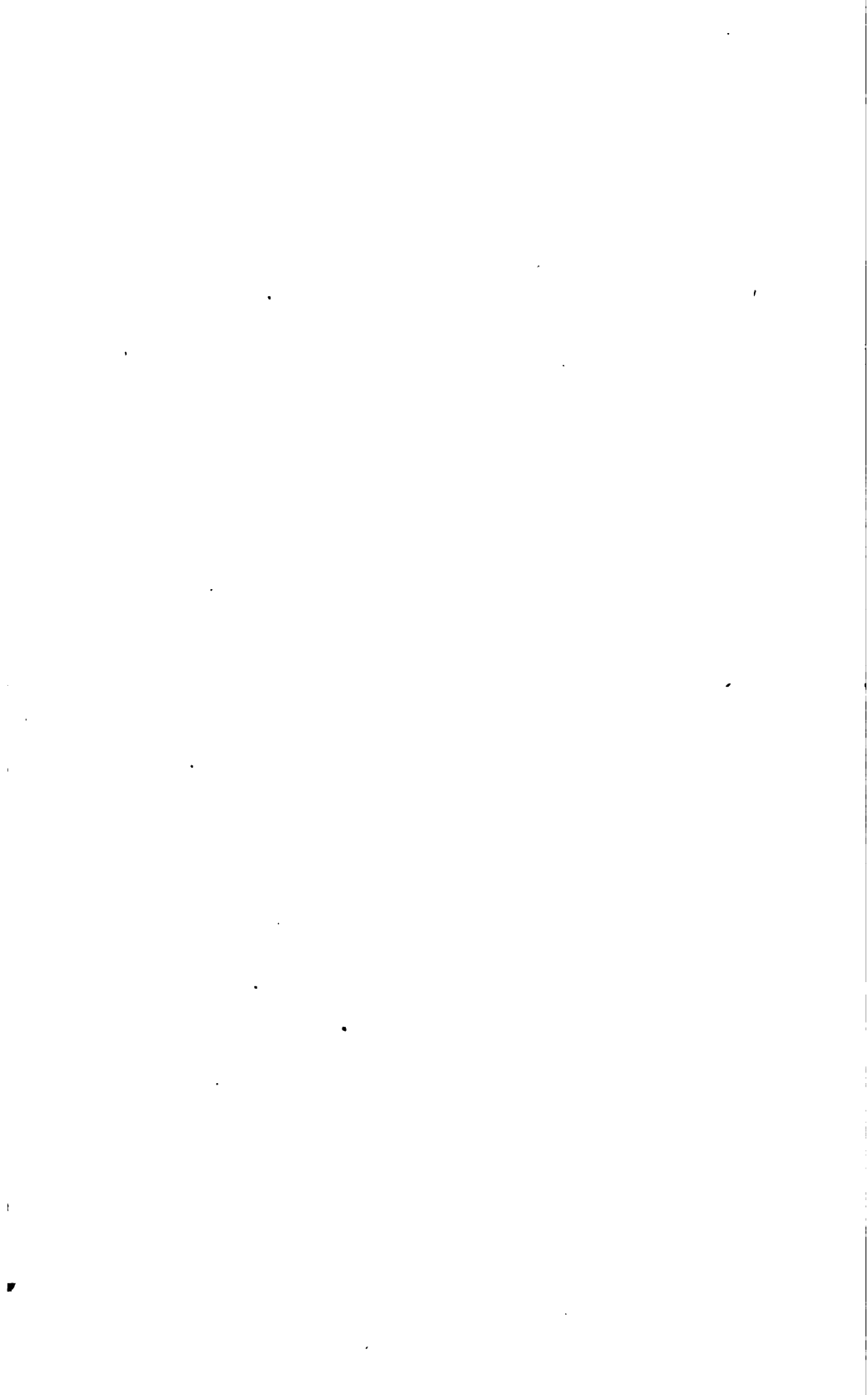


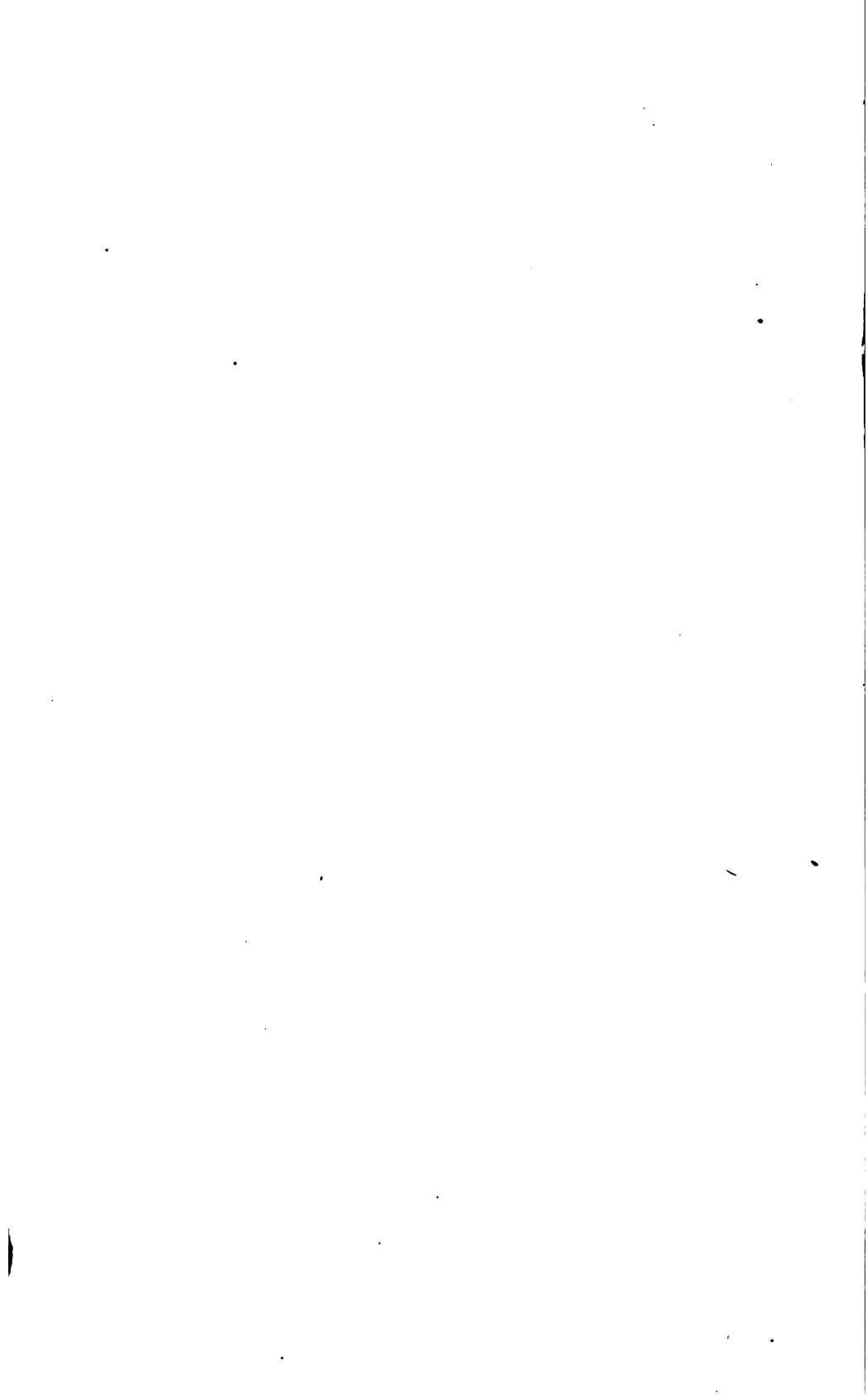




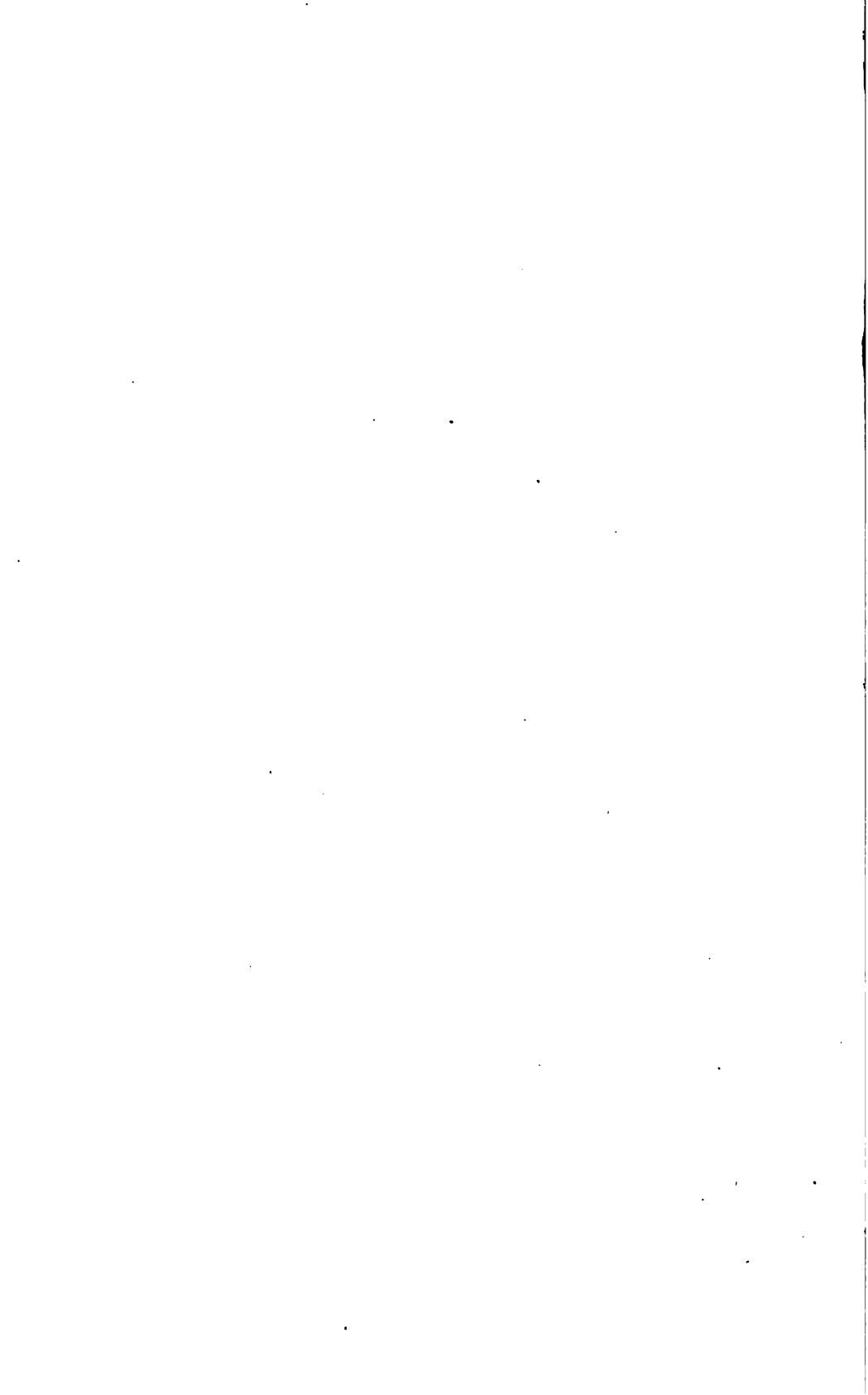




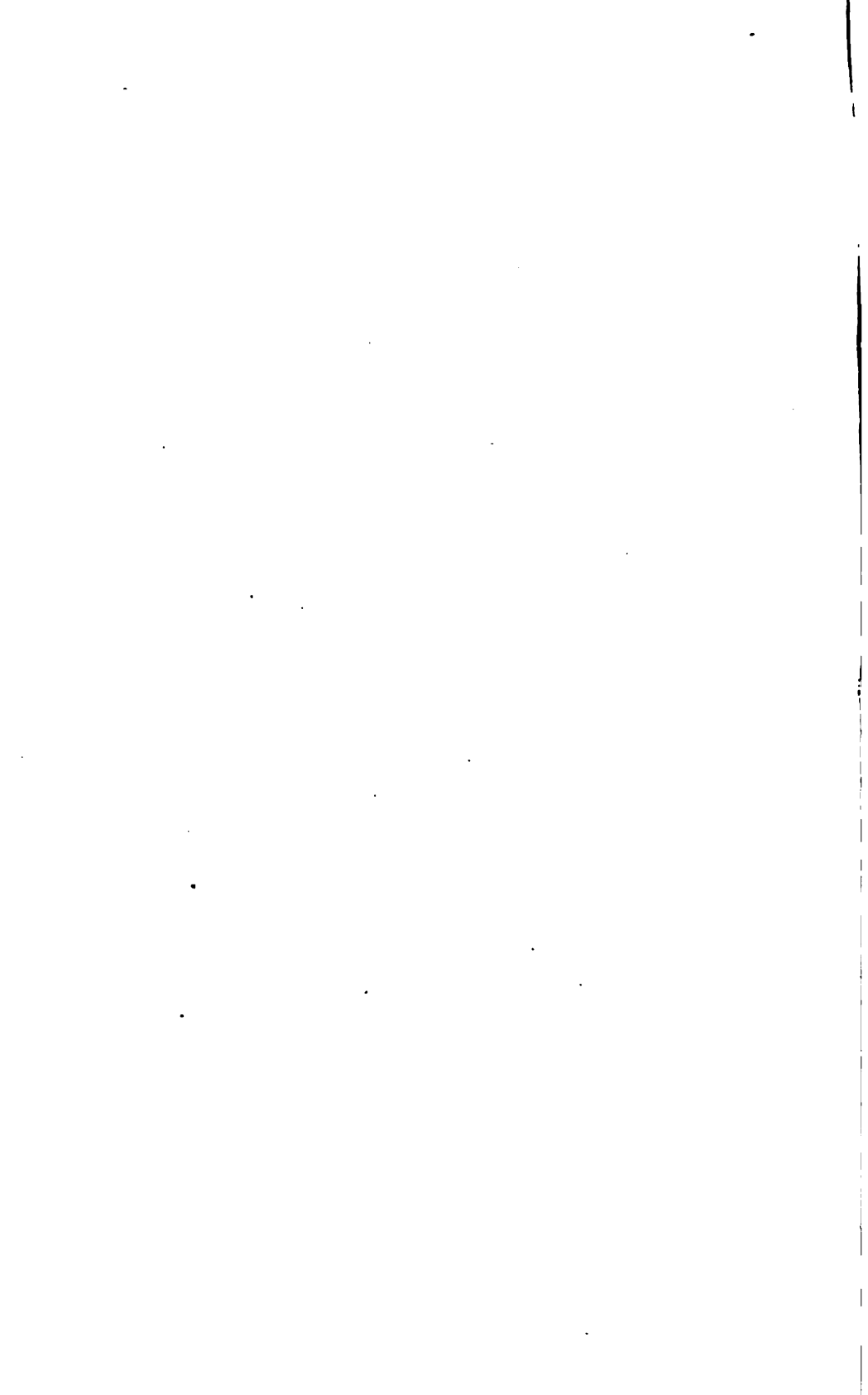


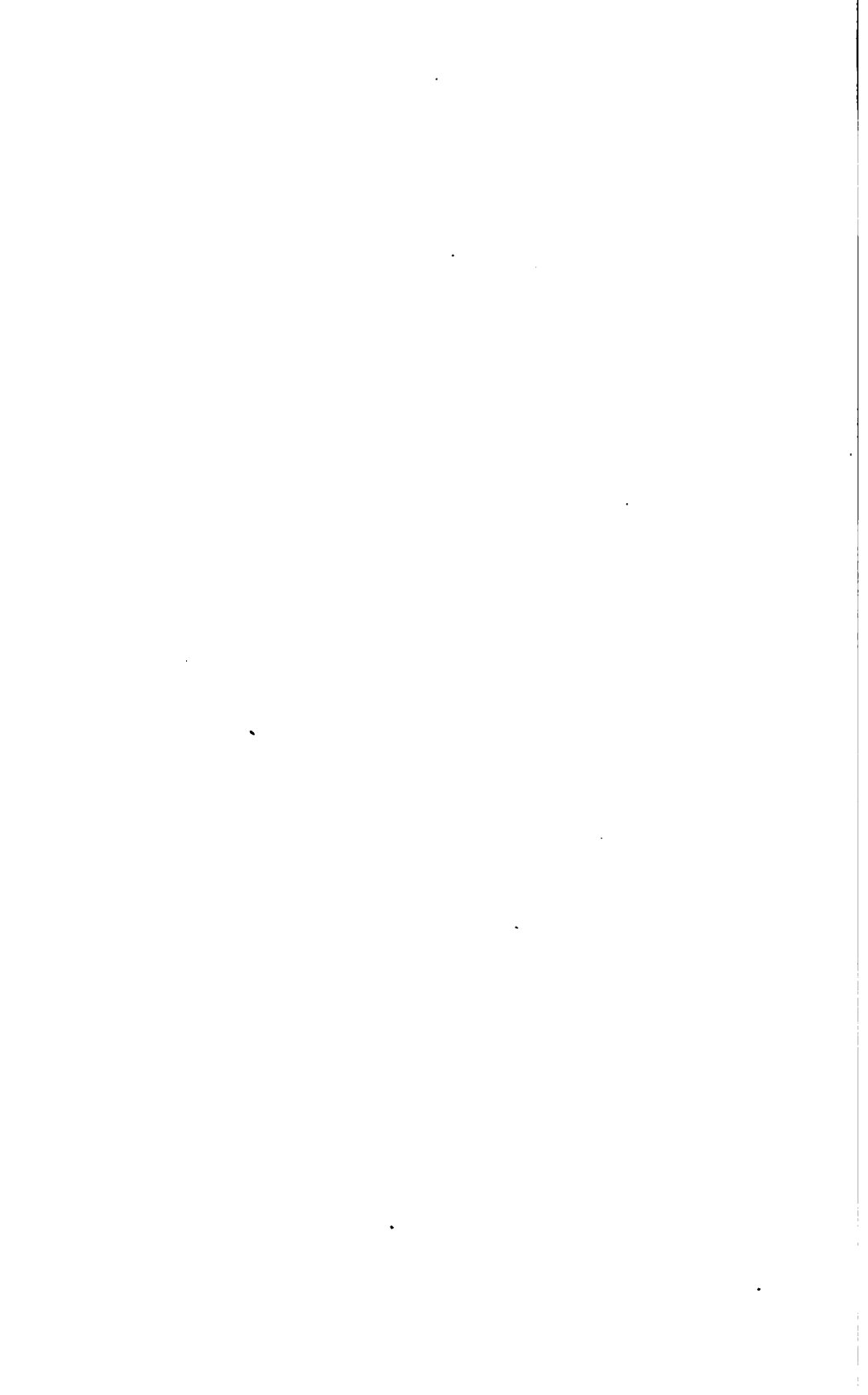




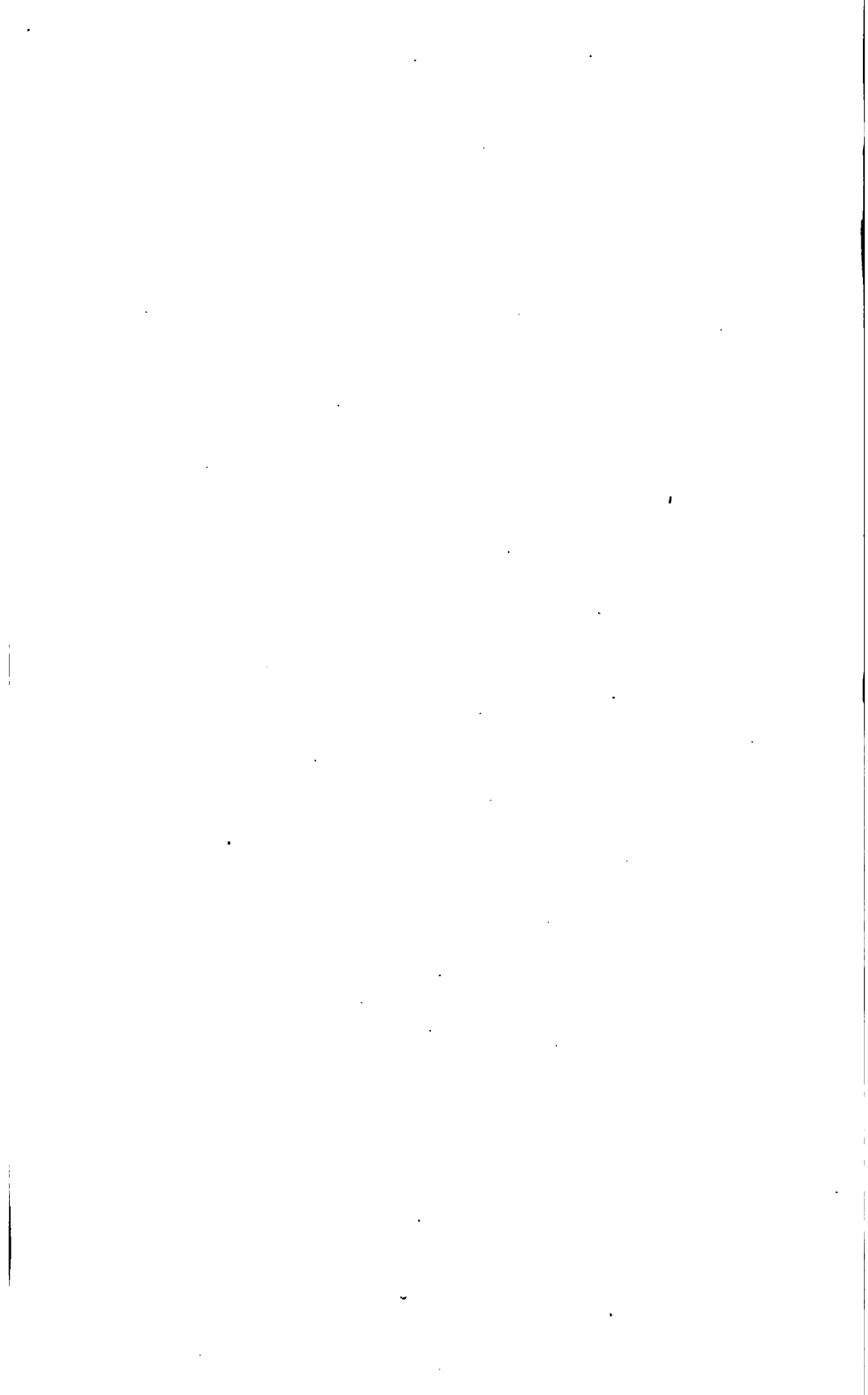














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